

Message Text

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TO USMISSION GENEVA

INFO AMEMBASSY CANBERRA

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AMEMBASSY PARIS

AMEMBASSY LUXEMBOURG

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AMEMBASSY STOCKHOLM

AMEMBASSY ANKARA

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E.O. 11652: N/A

TAGS: EIND, WIPO, SZ

SUBJECT: UNCTAD/WIPO STUDY ON ROLE OF THE PATENT SYSTEM

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2. IN A LETTER DATED NOVEMBER 26, 1974 TO THE U.S. COMMISSIONER OF PATENTS, C. MARSHALL DANN, THE PRESIDENT OF THE PATENT OFFICE OF THE FEDERAL REPUBLIC OF GERMANY, DR. KURT HAERTEL, ASKED COMMISSIONER DANN TO COORDINATE AN EFFORT AMONG DEVELOPED COUNTRIES, WHO ARE MEMBERS OF "GROUP B", TO SECURE A POSTPONEMENT OF THE MARCH 3, 1975 UNCTAD DEADLINE (REFERENCE TD 588/4) FOR COMMENTS BY GOVERNMENTS ON THE UNCTAD/WIPO STUDY, "THE ROLE OF THE PATENT SYSTEM IN THE TRANSFER OF TECHNOLOGY TO DEVELOPING COUNTRIES" (TD/B/AC.11/19) TO JULY 31, 1975.

2. COMMISSIONER DANN WAS ASKED TO ATTEMPT TO SECURE THIS POSTPONEMENT IN VIEW OF COMMISSIONER DANN'S COORDINATING RESPONSIBILITY WITHIN THE CONTEXT OF THE INFORMAL "COMMITTEE OF DEVELOPED COUNTRIES" FORMED BY "GROUP B" COUNTRIES AT THE MEETING OF THE WIPO ADMINISTRATIVE BODIES IN SEPTEMBER 1974. CHAIRMANSHIP OF THIS INFORMAL COMMITTEE IS ON A ROTATING BASIS, AND THE US AGREED TO SERVE AS INITIAL CHAIRMAN IN CONNECTION WITH THE FORTHCOMING WIPO AD HOC GROUP OF GOVERNMENTAL EXPERTS ON REVISION OF THE PARIS CONVENTION SCHEDULED FOR FEBRUARY 11 TO 17, 1975. (A MEETING OF THIS COMMITTEE

WILL BE HELD AT THE MISSION ON FEBRUARY 10.)

3. THE BASIS FOR THIS JOINT INITIATIVE BY THE FRG AND THE US IS THE NEED TO SECURE MORE ADEQUATE TIME TO GENERATE CONSIDERED GOVERNMENTS' EVALUATIONS OF THE VOLUMINOUS WIPO/UNCTAD STUDY. THE FRG HAS REQUESTED ITS MAX PLANK INSTITUTE TO CONDUCT A DETAILED ANALYSIS FOR THE GOVERNMENT AND SINCE THIS 'ILL NOT BE READY UNTIL LATE JUNE 1975, PRESIDENT HAERTEL HAS PROPOSED THE JULY 31, 1975 DATE FOR THE EXTENSION.

4. PRESIDENT HAERTEL SENT COPIES OF HIS LETTER TO COMMISSIONER DANN TO THE HEADS OF PATENT OFFICES OF THE FOLLOWING COUNTRIES: AUSTRALIA, AUSTRIA, BELGIUM, CANADA, DENMARK, FINLAND, FRANCE, GREECE, IRELAND, ITALY, LIMITED OFFICIAL USE

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JAPAN, LIECHTENSTEIN, LUXEMBURG, NORWAY, NETHERLANDS, NEW ZEALAND, PORTUGAL, SPAIN, SWEDEN, SWITZERLAND, TURKEY, UNITED KINGDOM.

5. TO DATE, COMMISSIONER DANN HAS RECEIVED ELEVEN COMMENTS BY HEADS OF PATENT OFFICES ON THIS PROPOSAL. OF THESE, NINE (9) SUPPORT AN EXTENSION, NAMELY, AUSTRALIA, AUSTRIA, DENMARK, FRANCE, IRELAND, LUXEMBURG,

NETHERLANDS, SPAIN, AND SWITZERLAND. THE UNITED KINGDOM WOULD PREFER THAT GOVERNMENTS UNDERTAKE AT LEAST TO PRESENT PRELIMINARY COMMENTS BY THE PRESENT DEADLINE BUT WOULD GO ALONG WITH A REQUEST FOR EXTENSION TO JULY SHOULD THIS BE THE CONSENSUS. SWEDEN WOULD PREFER MAINTAINING THE PRESENT DEADLINE. THE US VIEW IS IN ACCORD WITH PRESIDENT HAERTEL'S PROPOSAL. NOT ONLY WOULD IT BE DESIRABLE TO HAVE AVAILABLE AN EVALUATION OF THE WIPO/UNCTAD STUDY BY THE MAX PLANCK INSTITUTE, BUT THE ADDITIONAL PERIOD SUGGESTED BY PRESIDENT HAERTEL WOULD PROVIDE OTHER GOVERNMENTS A MORE REALISTIC PERIOD TO REVIEW THE VOLUMINOUS STUDY.

6. COPIES OF ALL CORRESPONDENCE ON THIS MATTER ARE BEING AIRPOUCHED TO THE MISSION, ATTENTION, ROBERT ALLEN.

7. ACTION: THE MISSION IS REQUESTED TO TAKE THE INITIATIVE TO PLACE THIS MATTER ON THE AGENDA OF A MEETING OF THE GROUP B COUNTRIES AT THE EARLIEST POSSIBLE TIME WITH A VIEW TO MAKING A FORMAL REQUEST TO THE UNCTAD SECRETARIAT TO ACHIEVE A POSTPONEMENT OF THE DEADLINE UNTIL THE END OF JULY 1975. PLEASE KEEP DEPARTMENT ADVISED OF ANY SIGNIFICANT DEVELOPMENTS. KISSINGER

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